

022504
13281 U.S. PTO

Attorney Docket: 029300.49991D2

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

22389 U.S. PTO
10/785042

022504

Mail Stop PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a ___ continuation or X divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 09/907,440

Filed on July 18, 2001

Of Johannes Hebebrand et al.

Entitled: METHOD OF IDENTIFYING COMPOUNDS SUITABLE FOR TREATMENT AND/OR PROPHYLAXIS OF OBESITY

Examiner: R.J. Gitomer

Group: 1651

X 1. Accompanying this order is a new specification that does not contain any subject matter that would have been new matter in the prior application.

Total pages of specification, claims and abstract: 18

 2. New Formal drawings are being filed herewith consisting of ___ sheet(s), depicting Figures .

X 3. Declaration and Power of Attorney:

a. Newly executed (original or copy)

b. X Copy from prior application

i. Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. Small entity status:
- a. ☐ A small entity statement is enclosed
- b. ☐ A statement of small entity status (copy attached) was filed on in the prior application and status as a small entity is still proper and desired.
- c. ☐ Is no longer claimed
- X 6. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee					<u>\$385</u>	<u>\$770</u>
Total Claims	<u>6</u>	-	20 = <u>0</u>	x	9 = <u>\$00.00</u>	18 = <u>\$00.00</u>
Ind. Claims	<u>2</u>	-	3 = <u>0</u>	x	43 = <u>\$00.00</u>	86 = <u>\$00.00</u>
	<u>Multiple Dependent Claims</u>			+	145 = <u>\$00.00</u>	290 = <u>\$00.00</u>
	Total				<u>\$00.00</u>	<u>\$770.00</u>

- ☐ 7. Please charge my Deposit Account No. 05-1323 (Docket #) in the amount of \$.
- X 8. A check in the amount of \$ 770.00 to cover the filing fee is enclosed.
- X 9. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #).
- X 10. Amend the specification by inserting before the first line the sentence: --This application is a division of application Serial No. 09/907,440, filed July 18, 2001.--
- ☐ 11. Priority of Appln. No(s). , filed in on , is hereby claimed under 35 U.S.C. 119.
- ☐ 12. A certified copy of each said priority document was filed in application Serial No. on .
- X 13. The prior application is assigned of record to Solvay Pharmaceuticals GmbH.

X 14. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

X a. The power appears in the original application papers in the prior application.

— b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.

— c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.

X d. Address all future correspondence to:

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Customer No.
23911


X 15. Copies of Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.

X 16. Return Receipt Postcard.

— 17. Other: —

Respectfully submitted,

February 25, 2004



J. D. Evans
Registration No. 26,269

CROWELL & MORING, LLP
P.O. Box 14300
Washington, D.C. 20044-4300
Tel: (202) 624-2500
Fax: (202) 628-8844